

REMARKS

The Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Status of the claims

Claims 1-125 were previously canceled.

Claims 133-143 are withdrawn.

Claims 126-130 and 132 are currently being amended. The amendments add no new matter. The amendments, and exemplary support, are described in the table below.

Claim	Description of Amendment	Exemplary Support
126	Claim amended to recite as follows: An isolated polypeptide comprising SEQ ID NO: 1.	SEQ ID NO: 1
127	Claim amended to recite as follows: The isolated polypeptide of claim 126 consisting of SEQ ID NO: 1.	SEQ ID NO: 1
128	Claim amended to recite specific fragments of SEQ ID NO: 1.	<i>See e.g.</i> , Table 3.
129	Claim amended to recite specific variants of SEQ ID NO: 1.	<i>See e.g.</i> , Table 3.
130	Claim amended to recite a polypeptide encoded by certain polynucleotides.	SEQ ID NO: 2; original claim 130; paragraph [0148]
132	Claim amended to refer to aspects of claim 130.	Original claim 132; paragraph [0254]

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Because the foregoing amendments do not introduce new matter, entry thereof by the Examiner is respectfully requested. After amending the claims as set forth above, claims 126-143 are now pending in this application.

II. Claim rejection - 35 U.S.C. § 112, first paragraph, enablement

Claims 126-133 are rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly fails to meet the enablement requirement. The Office Action asserts that the specification does not provide adequate support for any of the claimed polypeptides. Particularly, the Office Action asserts that the articles “a” or “an” in front of the phrase a “polypeptide of SEQ ID NO: 1” can be interpreted to mean a partial sequence comprising as few as 2 amino acids...” and that the specification does not support such polypeptides (Office Action at page 5). Additionally, the Office Action asserts that the specification does not support claims to variants or fragments of SEQ ID NO: 1. (Office Action at pages 3-7). The Office Action also asserts that the specification does not support polypeptides encoded by variants or fragments of SEQ ID NO: 2. (Office Action at pages 3-7).

The Applicant respectfully traverses this ground for rejection; however, solely to expedite prosecution, the claims have been amended to delete reference to “a polypeptide of SEQ ID NO: 1” and the like. Additionally, the Applicant has amended the claims to recite specific fragments of SEQ ID NO: 1 and specific variants of SEQ ID NO: 1, all of which are disclosed in Table 3 of the specification (showing specific functional and structural motifs). Because one skilled in the art could easily make and use such fragments and variants, the enablement requirements of 35 U.S.C. § 112, first paragraph are met.

Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

III. Claim rejection – 35 U.S.C. § 112, first paragraph, written description

Claims 126-133 are rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly fails to meet the written description requirement. The reasons provided in the Office Action are essentially the same as those presented for the enablement rejection. Namely, the Office Action asserts that the specification does not provide written description support for “*an* amino acid of SEQ ID NO: 1,” or to claims reciting variants or fragments of SEQ ID NO: 1. (Office Action at pages 7-10).

Again, the Applicant respectfully traverses the rejection. However, as noted above in section II, the claims have been amended to omit reference to “an amino acids sequence of SEQ ID NO: 1,” and to recite specific fragments and variants of SEQ ID NO: 1. These fragments and variants are clearly described in the specification at Table 3.

Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

IV. Claim rejection – 35 U.S.C. § 102(a)

Claims 126-131 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by WO 88/00206 (Clark). The Office Action asserts that Clark discloses *an* amino acid sequence of SEQ ID NO: 1 encoded by a polynucleotide of SEQ ID NO: 2, such as amino acids 1-90 and 109-163, and 28-212. The Applicant respectfully traverses the rejection.

The claims have been amended to omit reference to “*an* amino acid sequence of SEQ ID NO: 1...” or “*a* polypeptide of SEQ ID NO: 1...” Moreover, none of the fragments cited by the Office Action are recited in the amended claims.

Thus, because “the identical invention ... [is not] shown in as complete detail as is contained in the ... claim” (MPEP § 2131, citation omitted), Clark does not anticipate the present claims. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

V. Conclusion

The present application is in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

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